



Chief Judge Alex J. Smalls

COURT OF COMMON PLEAS

The Court of Common Pleas reaches a milestone in its history with 90 years of service to the public. The present organizational structure was enacted in August 1973, when the Court of Common Pleas became a unified statewide court. The Court's mission is to provide assistance and a neutral forum to people in the resolution of their everyday problems and disputes in a fair, professional, efficient and practical manner.

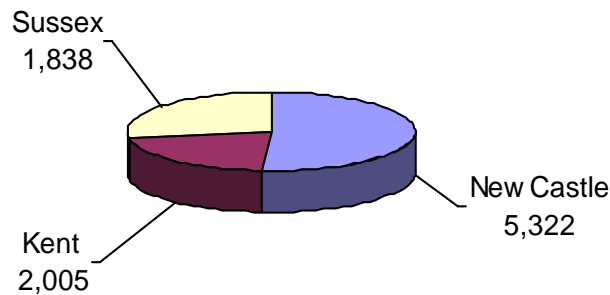
Consistent with its mission, the Court of Common Pleas continued to effectively manage its extremely high volume of cases during FY 2006. The Court's criminal misdemeanor filings rose by 6% in FY 2006, topping 90,000 defendant filings for the first time. The Court's preliminary hearing filings rose 10% to more than 9,000 defendants. Requests for jury trials in criminal cases have dramatically increased over the last several years, exceeding 2,700 in New Castle County alone. Although the Court's civil caseload dropped by 6%, this followed several years of unprecedented growth in civil

caseload. In addition, the Court continues to be challenged by civil cases of greater complexity which requires more time to manage and resolve.

While the heavy case load challenges an already very busy court, the Court remains committed to maintaining a high quality of service and is committed to providing a just resolution in every case. To that end, the Court continues to revise its case management approach to meet the needs of its clients.

The Court continues to operate a successful drug court program, now providing diversion programs in all three counties. The program was initiated in New Castle County in 1998 and has handled more than 3,200 defendants. In FY 2006, 397 defendants completed the New Castle program. Sussex County has handled 285 defendants since its inception in 2003, with 121 people entering the program this fiscal year. Kent County, which began its program in 2005, handled 200 defendants in FY 2006.

**NUMBER OF COURT OF COMMON PLEAS
PRELIMINARY HEARINGS BY COUNTY FY 2006**



The Court has criminal jurisdiction over all misdemeanors occurring in the State of Delaware except certain drug-related offenses. In addition, it has jurisdiction over traffic offenses (other than those that are felonies). It is also responsible for preliminary hearings. Jury trial is available to all criminal defendants.

The Court has jurisdiction over appeals from Justice of the Peace and Alderman's Courts in both civil and criminal cases. It also has jurisdiction over administrative appeals from the Department of Motor Vehicles and from the Dog Control Panel.

Judges

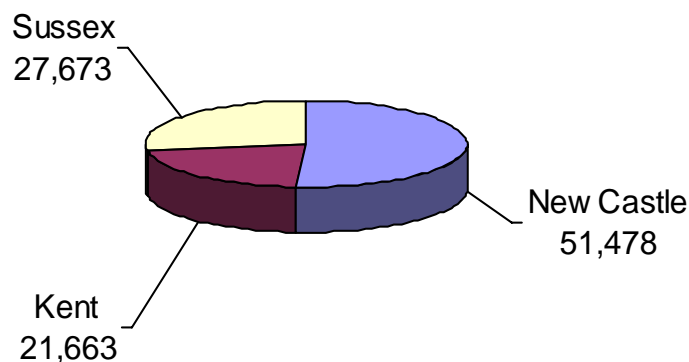
There are nine judges of the Court of Common Pleas, of which five serve in New Castle

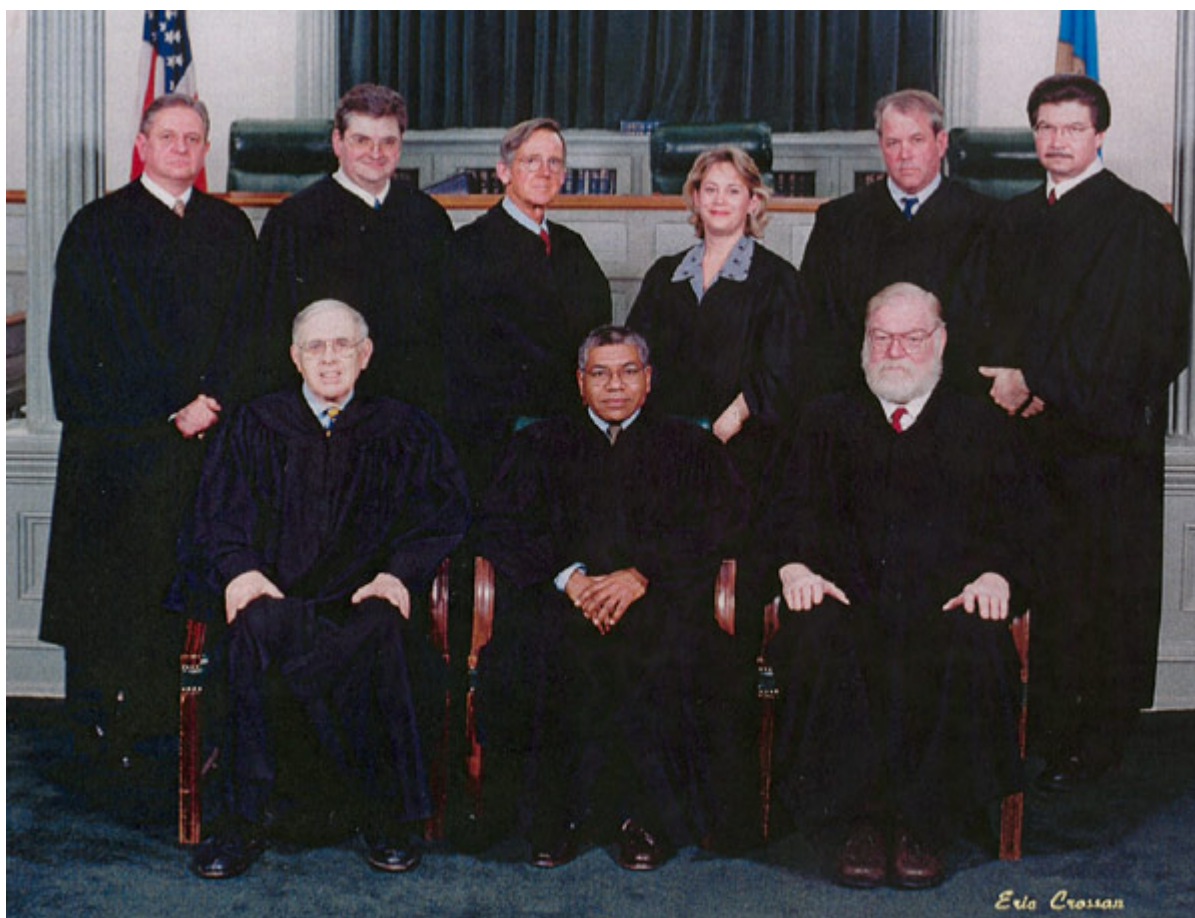
County, two in Kent County, and two in Sussex County. They are nominated by the Governor with the confirmation of the Senate for 12-year terms. They must have been actively engaged in the general practice of law in the State of Delaware for at least five years and must be citizens of the State. A majority of not more than one judge may be from the same political party. The chief judge serves as the administrative head of the Court.

Support Personnel

The staff of the Court of Common Pleas includes a court administrator and one clerk of the court for each county as well as bailiffs, court reporters, secretaries, clerks and investigative service officers.

**NUMBER OF COURT OF COMMON PLEAS
CIVIL & CRIMINAL FILINGS BY COUNTY FY 2006**





Court of Common Pleas

Front Row (from left to right):

Judge Merrill C. Trader
Chief Judge Alex J. Smalls
Judge William C. Bradley, Jr.

Standing (from left to right):

Judge Joseph F. Flickinger, III
Judge Charles W. Welch, III
Judge Jay Paul James
Judge Rosemary B. Beauregard
Judge John K. Welch
Judge Kenneth S. Clark, Jr.

COURT OF COMMON PLEAS

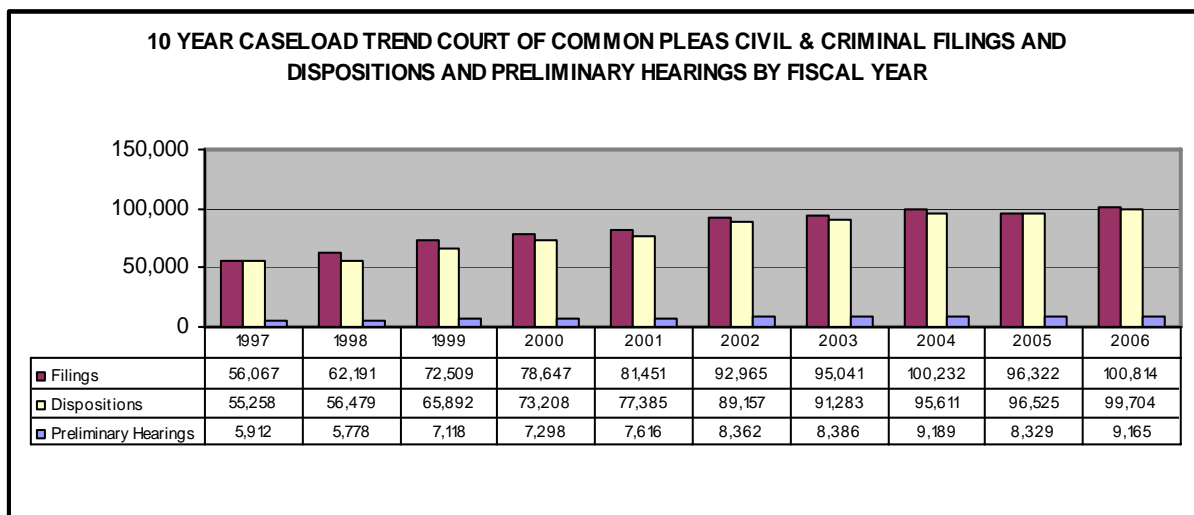
Other initiatives of the Court include a successful mediation (alternate dispute resolution) program. This program provides an alternative to criminal prosecution and gives participants the opportunity to resolve conflicts more effectively and satisfactorily than going through the regular court process. Since its inception in 2001, the Court has handled more than 3,200 cases and has experienced a success rate of nearly 90%. In FY 2005, the Court's mediation program was expanded to include civil cases, which has been well received.

The Court of Common Pleas started the first Mental Health Court in the State of Delaware in October 2003. Modeled on the drug court concept, Mental Health Court is designed to provide a diversion program in the form of treatment and counseling to mentally ill persons in an effort to reduce their contact with the criminal justice system. The program provides regular contact with a judge and close contact with mental health professionals to modify behavior and ensure appropriate treatment therapies. The judge serves as the center of the treatment and supervision process and provides the incentive for cooperation and completion.

In New Castle County, the Court initiated a revised procedure to manage its high volume traffic cases through a calendaring process designed to provide greater efficiency in the management of cases and reduce the burden on citizens. Traffic Court was instituted to allow most offenses to be scheduled for a single event; defendants are arraigned in the morning and trials, if necessary, are held in an afternoon session. This is designed to eliminate multiple court appearances.

The Court continues its commitment to supporting a successful COTS project for the Delaware Judiciary. It has dedicated several staff to the effort full-time, as well as providing staff support for COTS committees.

The Court of Common Pleas continues its commitment of providing service to self-represented citizens. Public access computers are available and used regularly at all court locations. In addition, the Court continued to expand its web site this year by increasing the number of forms and accompanying instructions on the internet. These changes provide improved accessibility to the courts to many Delaware citizens and help support the Court's mission of helping people in the resolution of their everyday



Legal Authorization

Art. IV, Sec. 1 of the Delaware Constitution authorizes the Court of Common Pleas.

Court History

Common Pleas Courts were established in Pennsylvania's three lower counties (now Delaware) during the colonial period. The Delaware Constitution of 1792 continued their existence in the State of Delaware for a few decades. These, however, were courts of general jurisdiction and, as such, the antecedents of the present Superior Court.

The modern day Court of Common Pleas was established in 1917 when a court of limited civil and criminal jurisdiction was established in New Castle County. A Court of Common Pleas was later established in Kent County in 1931 and Sussex County in 1953. In 1969, the three County Courts of Common Pleas became state courts and, in 1973, the three Courts merged into a single Statewide Court of Common Pleas. In 1994, The Commission on Delaware Courts 2000 recommended new jurisdiction for the

Court of Common Pleas as vital to the Delaware Court system. Legislation implementing the Commission Report vested significant new areas of jurisdiction in the Court in 1995. On May 1, 1998, the Municipal Court was merged into the State court system, and pending cases were transferred to the Court of Common Pleas.

Geographic Organization

The Court of Common Pleas sits in each of the three counties at the respective county seats.

Legal Jurisdiction

The Court of Common Pleas has statewide jurisdiction, which includes concurrent jurisdiction with Superior Court in civil matters where the amount in controversy, exclusive of interest, does not exceed \$50,000 on the complaint. There is no limitation in amount on counterclaims and cross-claims. It also has jurisdiction over change of name petitions and habitual offender motor vehicle hearings. All civil cases are tried without a jury.

